

REMARKS

The Official Action mailed August 4, 2003, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicants respectfully submit that this response is being timely filed.

The Applicants note with appreciation the consideration of the Information Disclosure Statement filed on March 10, 2003. However, the Applicants have not received acknowledgment of the Information Disclosure Statement filed on February 18, 2000. The Applicants respectfully request that the Examiner provide an initialed copy of the Form PTO-1449 evidencing consideration of this Information Disclosure Statement.

Claims 1-9, 16, and 18-32 are pending in the present application, of which claims 1, 16, 18, and 30 are independent. Claims 1, 16, 18 and 30 have been amended to correct minor typographical errors. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested. The Applicants note with appreciation the allowance of claim 6 (page 10, Paper No. 9).

Paragraph 2 of the Official Action asserts that claims 24-26 are "withdrawn from consideration ... as being drawn to a nonelected species [species other than fig. 1-23]" (page 2, Paper No. 9) and urges cancellation of "claims 24-28 and 31-32, as they are being drawn to non-elected species [embodiment two to four]" (Id.). The Applicants respectfully disagree and traverse the assertions in the Official Action, because the features of claims 24-26 and shown in Figs. 18-20, respectively; the features of claim 27 are shown in Figs. 13, 14A, 14B, 15 and 17; the features of claim 28 are shown in Figs. 13, 15 and 16; the features of claim 31 are shown in Fig. 17; and the features of claims 32 are shown in Fig. 12. In other words, claims 24-28 and 31-32 are drawn to the elected the species of Figs. 1-23. Accordingly, reconsideration and withdrawal of the new restrictions are in order and respectfully requested. As such, the Applicants respectfully submit that claims 1-9, 16 and 18-32 are currently pending.

Paragraph 4 of the Official Action notes typographical errors in the claims. In response, the Applicants have amended claims 1, 16, 18 and 30 to correct typographical errors. Also, in response to the request in the Official Action, the specification has been amended to correct minor typographical and grammatical errors. The Applicants note that "focussing" is an acceptable alternate spelling of "focusing." Fig. 2 has been amended to correct the reference sign for spot "F." Specifically, the second occurrence of the reference "H" has been changed to "F" in the top left hand corner of the figure which is consistent with the specification, claims and other figures. The Applicants will correct any errors in the specification of which the Applicants become aware. Reconsideration of the objection is requested.

Paragraph 5 of the Official Action objects to the title as neither precise nor descriptive. In response, the title has been amended to "AN OPTICAL PICKUP APPARATUS FOR SIMULTANEOUSLY READING DATE FROM A PLURALITY OF TRACKS OF AN OPTICAL DISC." Reconsideration of the objection is requested.

Paragraph 6 of the Official Action objects to claims 1-9, 18-30 and 32. As noted above, the Applicants have amended claims 1, 16, 18 and 30 to correct typographical errors. Reconsideration of the objection is requested.

Paragraph 8 of the Official Action rejects claims 1, 2, 4, 5, 7-9, 16, 18-23 and 27-32 as obvious based on U.S. Patent No. 5,497,366 to Fujisawa. The Applicants respectfully traverse the rejection because the Official Action has not made a *prima facie* case of obviousness.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the

teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims. With respect to independent claims 1, 16 and 18, Fujisawa does not teach or suggest either a plurality of spots of a plurality of light beams, or a plurality of photodetectors each provided for each spot for receiving reflected light of each spot. With respect to independent claim 30, Fujisawa does not teach or suggest reflected light detecting means for receiving reflected light of each spot.

The Official Action asserts that Fujisawa teaches all of the features as recited in all the claims except for claim 3. For example, the Official Action points out that the first feature in claim 1 "(a) objective spot forming means (30) for forming each spot (M, E, F, G, H, I, and J) of a plurality of light beams entered via a collimator (28), on each track of a recording medium (34)," is disclosed in Fig. 7 and Fig. 14, and the descriptions at column 8, lines 47-57, column 13, lines 1-18, and column 15, lines 50-66 in Fujisawa. The Applicants respectfully disagree and traverse the assertions in the Official Action, because the optical pickup device of Fujisawa uses a single spot of a single light beam on optical disc 1 (see Fig. 4), and Fujisawa does not adopt an arrangement using the spots of a plurality of light beams on a recording medium as claimed in the present invention. Furthermore, nothing in Fujisawa teaches or suggests modifying the Fujisawa device such that a plurality of spots of a plurality of light beams are used, and

a plurality of photodetectors are provided for each spot for receiving reflected light of each spot.

The optical pickup apparatus of the present invention operates to focus spots (M, E, F, G, H, I, and J) of light beams on a plurality of tracks in order to simultaneously read information recorded on an optical disc. Thus, the uniqueness of the present invention resides in using the spots of the plurality of light beams (being spatially separated) which are simultaneously entered on the plurality of tracks of the optical disc, respectively. By contrast, in the optical pickup device of Fujisawa, a plurality of spots of light beams that are spatially separated are not used. Therefore, it is submitted that Fujisawa does not teach the feature of the present invention "(a) objective spot forming means (30) for forming each spot (M, E, F, G, H, I, and J) of a plurality of light beams . . .," as recited in claim 1.

The Official Action asserts that the second feature as recited in claim 1 "(b) a plurality of photo detectors . . . for receiving reflected light of each spot (M to J) . . .," is disclosed in Fig. 11 and at column 16, lines 15-17 and column 16, line 2 of Fujisawa. Indeed, referring to Fig. 11 of Fujisawa, there is shown two photo detectors 98 and 99. However, column 15, lines 58-66 of Fujisawa, describes the following:

[A] second optical path of reflected laser beams traveling through optical disc 1, object lens 51, reflection mirror 84, collimator lens 83, beam splitter 82, multi-lens 85, and photo detector 98 in order recited; and a third optical path of incident laser beams traveling through the emitting surface of semiconductor laser 80, optical path recessed portion 90, grating 81, optical path recessed portion 95, beam splitter 82 and photo detector 99 in order recited.

The above description in Fujisawa shows that the optical paths of respective lights propagated from the optical source to the photo detectors 98 and 99 are different from each other, and moreover the photo detector 99 does not receive the reflected light from the spot. Therefore, while the optical pickup device of Fujisawa is provided with two photo detectors, these two photo detectors do not anticipate or suggest a "plurality of photo detectors each for receiving reflected light of each spot" as claimed in the present

invention. As to claim 30, since Fujisawa does not teach or suggest a plurality of spots, the photo detectors 98 and 99 of Fujisawa do not and cannot receive reflected light of a plurality of spots.

Therefore, Fujisawa does not teach or suggest either a plurality of spots of a plurality of light beams, or a plurality of photodetectors each provided for each spot for receiving reflected light of each spot. Similarly, Fujisawa does not teach or suggest reflected light detecting means for receiving reflected light of each spot.

Since Fujisawa does not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Paragraph 25 of the Official Action rejects claims 3 as obvious based on the combination of Fujisawa and EP 0 316 959 to Noda et al. Noda does not cure the deficiencies in Fujisawa. The Official Action relies on Noda to allegedly teach "one of said plurality of photodetectors includes a plurality of light reception areas for divisionally receiving one light beam" (page 9, Paper No. 9, citing column 3, lines 7-27, column 4, lines 7-25, and Fig. 3 of Noda). Fujisawa and Noda, either alone or in combination, do not teach or suggest either a plurality of spots of a plurality of light beams, or a plurality of photodetectors each provided for each spot for receiving reflected light of each spot. Similarly, Fujisawa and Noda do not teach or suggest reflected light detecting means for receiving reflected light of each spot. Since Fujisawa and Noda do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained.

Furthermore, there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify Fujisawa and Noda or to combine reference teachings to achieve the claimed invention. The Official Action concedes that Fujisawa does not teach at least one of a plurality of photodetectors includes a plurality of light reception areas for divisionally

receiving one light beam (page 9, Paper No. 9). The Official Action relies on Noda to allegedly teach this feature (Id.). The Official Action asserts that "it would have been obvious to provide the system of Fujisawa with divided section photodetecting means and associated details as taught in Noda" and that one of ordinary skill "would have recognized that the photodetecting means of Noda was equivalent and an obvious alternative to photodetecting means ... of Fujisawa" (p. 10, Paper No. 9). The Applicants respectfully disagree. As noted above, Fujisawa appears to teach use of a single laser beam and a single spot with optical disc 1. Although Fujisawa teaches a pair of photo detectors 98 and 99, Fujisawa does not teach or suggest either a plurality of spots of a plurality of light beams on a recording medium, a plurality of photodetectors each provided for each spot for receiving reflected light of each spot, or reflected light detecting means for receiving reflected light of each spot. Noda is relied upon to allegedly teach a plurality of photodetectors including a plurality of light reception areas. At best, Noda appears to teach a device which projects reflected-light spots 14, 15a and 15b on a photodiode 13 with elements 13A-D. It is not clear how or why one of ordinary skill in the art would look to the teachings in Noda to modify the device Fujisawa or to correct the deficiencies in Fujisawa. Specifically, it is not clear how or why one would convert the device of Fujisawa, which focuses a single light spot on optical disc 1, into a device that focuses reflected-light spots 14, 15a and 15b on a photodiode 13 with elements 13A-D. Also, it is not clear how the photodiode 13 of Noda is equivalent to or an obvious alternative to the photo detectors 98 and 99 of Fujisawa. Therefore, the Applicants respectfully submit that one of ordinary skill in the art would not provide the system of Fujisawa with the photodiode 13 as taught in Noda, and would not have recognized that the photodiode 13 of Noda was equivalent and an obvious alternative to the photo detectors 98 and 99 of Fujisawa.

Even assuming motivation could be found, the Official Action has not given any indication that one with ordinary skill in the art at the time of the invention would have had a reasonable expectation of success when combining Fujisawa and Noda.


The Applicants further contend that even assuming, *arguendo*, that the combination of Fujisawa and Noda is proper, there is a lack of suggestion as to why a skilled artisan would use the proposed modifications to achieve the unobvious advantages first recognized by the Applicants. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.

In the present application, it is respectfully submitted that the prior art of record, alone or in combination, does not expressly or impliedly suggest the claimed invention and the Official Action has not presented a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.

For the reasons stated above, the Official Action has not formed a proper *prima facie* case of obviousness. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,



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